

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

| | | |
|-----------------------------------|---|------------------------------------|
| CSX TRANSPORTATION, INC., et al., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 2:18CV530-MSD-LRL |
| |) | |
| NORFOLK SOUTHERN RAILWAY |) | |
| COMPANY, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**CONSENT MOTION FOR EXTENSION OF TIME
TO SERVE OBJECTIONS TO PLAINTIFF’S DISCOVERY**

Defendants Thomas Hurlbut, Jerry Hall and Philip Merilli (the “Individual Defendants”), by counsel, pursuant to Fed. R. Civ. P. 6(b)(1)(A) and E.D. Va. Loc. R. 37(F), move for an extension of time to serve objections in response to Plaintiff CSX Transportation, Inc.’s (“CSXT”) First Set of Requests for Admission, Interrogatories, and Requests for Production to Individual Defendants, which were served on January 9, 2020 (“CSXT’s First Discovery Requests”). Good cause exists for such an extension in the amount of seven (7) days because an issue has arisen concerning whether the claim against the Individual Defendants is moot and the parties require time to determine whether that issue can be resolved by agreement. Counsel for the Individual Defendants has conferred with counsel for CSXT and has confirmed that CSXT consents to the relief requested. Accordingly, the Individual Defendants ask that the deadline to serve their objections to CSXT’s First Discovery Requests be extended until January 31, 2020. A proposed order granting this relief is filed contemporaneously herewith.

Dated: January 23, 2020

Respectfully submitted,

JERRY HALL, THOMAS HURLBUT,
and PHILIP MERILLI

By: /s/ John M. Erbach

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2020, I will electronically file the foregoing with the Clerk of Court using CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

By: _____/s/
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